

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Monday, September 20, 2021

Hearing Room 1639

11:30 AM

2: -

ZOOM INFORMATION

Chapter 0

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Monday, September 20, 2021

Hearing Room 1639

11:30 AM

2:21-16058 Pacific Environmental Technologies, Inc.

Chapter 11

#1.00 Final Hearing on Debtor's Emergency Motion for order
authorizing use of cash collateral;
fr.7-30-21

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pacific Environmental Technologies,

Represented By
Michael Jay Berger

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Monday, September 20, 2021

Hearing Room 1639

11:30 AM

2:21-16058 Pacific Environmental Technologies, Inc.

Chapter 11

#2.00 Case Management Status Hearing RE: [1] Chapter 11 Subchapter V Voluntary
Petition Non-Individual. Inc.
Fr.9-9-20

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pacific Environmental Technologies,

Represented By
Michael Jay Berger

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Deborah Saltzman, Presiding
Courtroom 1639 Calendar**

Monday, September 20, 2021

Hearing Room 1639

11:30 AM

2:20-17570 Alexx Brown, LLC

Chapter 7

Adv#: 2:20-01621 Alexx Brown, LLC v. Brown et al

#3.00 Status Hearing RE: [1] Adversary case 2:20-ap-01621. Complaint by Alexx Brown, LLC against Alexx Brown. (\$350.00 Fee Charge To Estate). (Attachments: # 1 Adversary Cover Sheet) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)), (72 (Injunctive relief - other)), (91 (Declaratory judgment))
fr. 10-28-20, 12-2-20, 1-19-21, 2-25-21, 3-16-21
6-17-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexx Brown, LLC

Represented By
Andrew Goodman
Leslie A Berkoff

Defendant(s):

Alexxander Brown

Pro Se

John Does 1-10

Pro Se

Plaintiff(s):

Alexx Brown, LLC

Represented By
Andrew Goodman
Leslie A Berkoff

Trustee(s):

John P Pringle (TR)

Represented By
Michelle A Marchisotto

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room 201

11:30 AM

9:21-10855 Patricia A Orlando

Chapter 13

#4.00 HearingRE: [9] Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Estate:Singel Family home: 2185 Abraham Street, Simi Valley, CA 93065 with POS.

Docket 9

Tentative Ruling:

The court doesn't understand why this motion was filed. The Debtor's prior case was not dismissed. The Motion includes multiple discussions of the circumstances of a dismissal that *did not happen*. The date the Debtor gives for dismissal of her case, 4/5/21, was actually the date on which the chapter 13 trustee dismissed her motion to dismiss the case. The Trustee filed a final report in this case.

Because the Prior Case was not dismissed, § 362(c)(3) and (4) do not apply. There was no case pending but dismissed in the year previous to the petition date.

Deny.

Party Information

Debtor(s):

Patricia A Orlando

Represented By
Kenneth H J Henjum

Movant(s):

Patricia A Orlando

Represented By
Kenneth H J Henjum

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room 201

11:30 AM

9:21-10867 Angelica D Gomez

Chapter 13

#5.00 HearingRE: [9] Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 4746 La Puma Ct Camarillo, CA 93012 .

Docket 9

Tentative Ruling:

Please elaborate on how the Debtor expects to be able to make plan payments and payments on secured claims.

Party Information

Debtor(s):

Angelica D Gomez

Represented By
Joshua L Sternberg

Movant(s):

Angelica D Gomez

Represented By
Joshua L Sternberg

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room 201

11:30 AM

9:16-12122 Donald Kennedy Park and Linda Renate Park

Chapter 13

#6.00 CONT'D Hearing
RE Docket [146] Declaration re: Default Under Adequate Protection Order Filed
by Creditor Ajax Mortgage Loan Trust 2018-G, Mortgage-Backed Securities,
Series 2018-G, by U.S. Bank National Association, as Indenture Trustee (RE:
related document(s)139 Notice). (Wilkinson, Reilly)

FR. 5-27-21, 7-13-21, 8-3-21, 8-17-21

Docket 146

Tentative Ruling:

Please update the court.

Party Information

Debtor(s):

Donald Kennedy Park

Represented By
Steven L Bryson

Joint Debtor(s):

Linda Renate Park

Represented By
Steven L Bryson

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room 201

11:30 AM

9:19-11105 Larry E. Greene and Roxanne Greene

Chapter 7

#7.00 HearingRE: [66] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 946 Calle Pecos, Thousand Oaks, CA 91360-2321 .

Docket 66

Tentative Ruling:

No tentative ruling. This is a **FINAL RULING**. This motion was set for hearing in accordance with Local Bankruptcy Rule ("LBR") 9013-1(d). The failure of any party to file written opposition at least 14 days prior to the hearing pursuant to LBR 9013-1(f) is deemed consent to the granting of the motion. LBR 9013-1(h); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court is granting the relief that the moving party requested and for which a *prima facie* case has been established, an actual hearing is not necessary. *Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Their defaults are entered and the court will resolve the matter without oral argument. LBR 9013-1(j)(3). **NO APPEARANCE IS NECESSARY.**

GRANT under 11 U.S.C. § 362(d)(1) and (d)(2).

GRANT as binding despite conversion.

GRANT waiver of FRBP 4001(a)(3) stay.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

THIS ORDER CONSTITUTES AN ORDER GRANTING RELIEF FROM A STAY OF FORECLOSURE WITHIN THE MEANING OF CAL. CIV. CODE § 2920.5(c)(2)(C).

Party Information

Debtor(s):

Larry E. Greene

Represented By
Matthew D. Resnik

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room 201

11:30 AM

CONT... Larry E. Greene and Roxanne Greene

Chapter 7

Joint Debtor(s):

Roxanne Greene

Represented By
Matthew D. Resnik

Movant(s):

Real Time Resolutions, Inc. as agent

Represented By
Renee M Parker

Trustee(s):

Jerry Namba (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room 201

11:30 AM

9:20-10356 Craig Carabajal

Chapter 7

#8.00 CONT'D Hearing
RE: [41] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Honda Civic VIN No.19XFB2F87FE251692 . (Arnold, Jenelle)

FR. 7-26-21, 9-14-21

Docket 41

Tentative Ruling:

No tentative ruling. This is a **FINAL RULING**. This motion was set for hearing in accordance with Local Bankruptcy Rule ("LBR") 9013-1(d). The failure of any party to file written opposition at least 14 days prior to the hearing pursuant to LBR 9013-1(f) is deemed consent to the granting of the motion. LBR 9013-1(h); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court is granting the relief that the moving party requested and for which a *prima facie* case has been established, an actual hearing is not necessary. *Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Their defaults are entered and the court will resolve the matter without oral argument. LBR 9013-1(j)(3). **NO APPEARANCE IS NECESSARY.**

GRANT under 11 U.S.C. § 362(d)(1).
GRANT as binding despite conversion.
GRANT waiver of FRBP 4001(a)(3) stay.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Craig Carabajal

Represented By
Vaughn C Taus

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room 201

11:30 AM

CONT... Craig Carabajal

Chapter 7

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
Jenelle C Arnold

Trustee(s):

Jerry Namba (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room

201

11:30 AM

9:21-10759 Enrique Magdaleno and Alicia M. Magdaleno

Chapter 7

#8.10 Hearing
RE: [10] Motion to Avoid Lien Judicial Lien (Personal Property) with Citibank,
N.A. with Proof of Service

Docket 10

Tentative Ruling:

The court set this matter for hearing because the court was unable to identify the subject property, and therefore whether the subject property is personal property subject to a lien that may be avoidable.

The debtors used the court form motion, which refers to "personal property [] described herein," yet does not include any place for the person completing the form to include the description of the personal property. The form does, however, refer to a necessary attached debtor declaration, which is where the property can be described. Here, the debtors failed to provide any declaration, so the court has no description of the subject personal property -- a glaring and fatal problem.

The claimed value of the property at issue, listed on the form attachment, is \$891.79, which corresponds to a claim described on the debtors' schedule A/B as a claim against a third party (paragraph 33) and identified there as "Citibank NA and/or Discover for any wage garnishments." The debtors also attach to the motion a copy of a wage garnishment order obtained by Citibank on 6/15/21.

Even if the court assumes that this motion is meant to assert that there is \$891.79 of cash somewhere that was garnished by Citibank, that is insufficient for the court to make a legal determination that such cash is personal property subject to a lien and in which the debtors may claim an exemption.

In addition to these problems, there is no evidence attached to the motion -- i.e., no declaration authenticating or explaining the attachments, including the garnishment order.

**United States Bankruptcy Court
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Monday, September 20, 2021

Hearing Room 201

11:30 AM

CONT... Enrique Magdaleno and Alicia M. Magdaleno

Chapter 7

Finally, Citibank was served through the counsel listed on the abstract of judgment and the CEO, but the CEO was served at an address in NYC, not at the South Dakota address listed with the FDIC.

Without further factual and legal support, the court cannot grant the motion.

Party Information

Debtor(s):

Enrique Magdaleno

Represented By
R Grace Rodriguez

Joint Debtor(s):

Alicia M. Magdaleno

Represented By
R Grace Rodriguez

Trustee(s):

Sandra McBeth (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
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Monday, September 20, 2021

Hearing Room 201

11:30 AM

9:21-10759 Enrique Magdaleno and Alicia M. Magdaleno

Chapter 7

#8.20 Hearing
RE: [12] Motion to Avoid Lien Judicial Lien (Real Property) with Citibank, N.A
with Proof of Service

Docket 12

Tentative Ruling:

There are a few defects in the motion: (1) the proffered value of the real property is based on Zillow.com, which is not on its own admissible evidence of value; (2) there is no declaration of the debtors identifying and authenticating the exhibits; (3) the amount of the first lien listed in the motion is \$436,333, but the attached mortgage statement reflects a lower balance of \$396,115.49 -- at this amount and the claimed exemption amount, the lien does not impair the debtors' claimed exemption of \$239,767; and (4) Citibank was served through the counsel listed on the abstract of judgment and the CEO, but the CEO was served at an address in NYC, not at the South Dakota address listed with the FDIC.

Deny without prejudice.

Party Information

Debtor(s):

Enrique Magdaleno

Represented By
R Grace Rodriguez

Joint Debtor(s):

Alicia M. Magdaleno

Represented By
R Grace Rodriguez

Trustee(s):

Sandra McBeth (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room 201

11:30 AM

9:18-12087 Green Pharmaceuticals, Inc.

Chapter 11

#9.00 HearingRE: [312] Motion Requesting Interim and Final Approval To Modify First Economic Injury Disaster Loan With Small Business Administration; Memorandum Of Points And Authorities; Declaration

Docket 312

Tentative Ruling:

No tentative ruling. This is a **FINAL RULING**. This motion was set for hearing in accordance with Local Bankruptcy Rule ("LBR") 9013-1(d). The failure of any party to file written opposition at least 14 days prior to the hearing pursuant to LBR 9013-1(f) is deemed consent to the granting of the motion. LBR 9013-1(h); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court is granting the relief that the moving party requested and for which a *prima facie* case has been established, an actual hearing is not necessary. *Boone v. Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Their defaults are entered and the court will resolve the matter without oral argument. LBR 9013-1(j)(3). **NO APPEARANCE IS NECESSARY.**

Grant all requested relief. Movant to lodge order within seven days.

Party Information

Debtor(s):

Green Pharmaceuticals, Inc.

Represented By

Steven R Fox

W. Sloan Youkstetter

Janis G Abrams

Movant(s):

Green Pharmaceuticals, Inc.

Represented By

Steven R Fox

W. Sloan Youkstetter

Janis G Abrams

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room 201

11:30 AM

9:18-12087 Green Pharmaceuticals, Inc.

Chapter 11

#10.00 CONT'D Chapter 11 Status Conference

FR. 7-21-20, 9-22-20, 12-21-20, 3-31-21, 6-8-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Green Pharmaceuticals, Inc.

Represented By
Steven R Fox
W. Sloan Youkstetter
Janis G Abrams

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room 201

11:30 AM

9:20-10554 CPESAZ LIQUIDATING, INC.

Chapter 11

#11.00 CONT'D Hearing
RE: [923] Motion to Allow Claim Application of Prudent Fiduciary Services LLC
for Allowance of Administrative Expense Claim (Mikula, Chelsea)

FR. 8-31-21

Docket 923

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

CPESAZ LIQUIDATING, INC.

Represented By
Ryan M Salzman
Scott F Gautier
Vince Slusher

Movant(s):

Miguel Paredes

Represented By
Chelsea Mikula

Prudent Fiduciary Services, LLC

Represented By
Chelsea Mikula

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room 201

11:30 AM

9:21-10634 Cinema Square, LLC

Chapter 11

#11.10 Hearing
RE: [51] Application to Employ Pacifica Commercial Realty as Real Estate
Broker for the Estate with proof of service

Docket 51

Tentative Ruling:

The court set this matter for hearing to ask counsel for the Debtor some questions.

First, the application and notice explain that compensation will be sought under 11 U.S.C. § 330 but attaches an exclusive listing agreement that calls for a 6% commission, which suggests that compensation may actually be subject to 11 U.S.C. § 328.

The application also states that "Pacifica Commercial Realty expects that the eventual compensation to be approved will be based on a combination of factors, including but not necessarily limited to its customary fees, the fees in the attached contract, the results achieved, and awards in similar cases." It appears plausible that 11 U.S.C. § 330 is the proper section under which to compensate the applicant, but the application does not sufficiently explain how or why.

Party Information

Debtor(s):

Cinema Square, LLC

Represented By
William C Beall
Carissa N Horowitz

Movant(s):

Cinema Square, LLC

Represented By
William C Beall
Carissa N Horowitz

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room 201

11:30 AM

9:19-11766 Joshua Michael Luster

Chapter 7

Adv#: 9:20-01015 Atkinson v. Luster et al

#12.00 CONTD. Status Hearing

RE: [1] Adversary case 9:20-ap-01015. Complaint by Dora Atkinson against Joshua Michael Luster, Katherine Michelle Luster, Luster Construction, Hudson Insurance Company, Gary Luster, and DOES 1-10. willful and malicious injury)), (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)), (67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Kwasigroch, Michael) FR. 4-13-20, 5-18-20, 8-25-20, 10-13-20, 4-14-21, 4-27-21

AND

Status Hearing

RE: [6] Counterclaim by Joshua Michael Luster, Katherine Michelle Luster against Michael Kwasigroch, Dora Atkinson (Faucher, John)

Docket 6

Tentative Ruling:

This status conference was put back on calendar because the parties have failed to prosecute the matter ever since summary judgment was denied on 5/19/21 (Docket No. 75).

A motion to amend the answer was filed on 4/12/21 (Docket No. 64), while the motion for summary judgment was pending. The Plaintiff opposed the Motion, but it was never noticed for a hearing. If the Defendant intends to pursue the motion to amend the answer, it must be noticed for a hearing.

A status report was not filed.

Party Information

Debtor(s):

Joshua Michael Luster

Represented By
John D Faucher

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room 201

11:30 AM

CONT... Joshua Michael Luster

Chapter 7

Defendant(s):

Joshua Michael Luster

Represented By
John D Faucher

Katherine Michelle Luster

Represented By
John D Faucher

Luster Construction Services Corp.

Pro Se

DOES 1-10

Pro Se

Joint Debtor(s):

Katherine Michelle Luster

Represented By
John D Faucher

Plaintiff(s):

Dora Atkinson

Represented By
Michael D Kwasigroch

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Monday, September 20, 2021

Hearing Room 201

11:30 AM

9:20-10798 Gregory Scott Franklin

Chapter 13

Adv#: 9:20-01053 Spoodis v. Franklin

#13.00 CONT'D Status Hearing
RE: [1] Adversary case 9:20-ap-01053. Complaint by Michael Scott Spoodis against Gregory Scott Franklin. false pretenses, false representation, actual fraud)), (67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Brannan, G)

FR. 7-27-21, 8-17-21

Docket 1

Tentative Ruling:

Please have some proposed dates in mind for this matter to move forward.

Party Information

Debtor(s):

Gregory Scott Franklin

Represented By
Edwin J Rambuski

Defendant(s):

Gregory Scott Franklin

Pro Se

Plaintiff(s):

Michael Scott Spoodis

Represented By
G Bryan Brannan

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Monday, September 20, 2021

Hearing Room 201

11:30 AM

9:21-10145 Dawn Marie Lewallen

Chapter 7

Adv#: 9:21-01015 Lewallen v. Educational Credit Management Corporation

#14.00 CONT'D Status Hearing
RE: [1] Adversary case 9:21-ap-01015. Complaint by Dawn Marie Lewallen
against Navient. (\$350.00 Fee Charge To Estate). Nature of Suit: (63
(Dischargeability - 523(a)(8), student loan)) (Schneidereit, Adele)

FR. 7-6-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dawn Marie Lewallen

Represented By
Adele M Schneidereit

Defendant(s):

Educational Credit Management

Represented By
Scott A Schiff

Plaintiff(s):

Dawn Marie Lewallen

Represented By
Adele M Schneidereit

Trustee(s):

Jeremy W. Faith (TR)

Pro Se